IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 57 OF 2006

SMT. LIZZY FERNANDES, PERNEM GOA. ....Petitioner

Versus

GOA COASTAL ZONE MANAGEMENT AUTHORITY, SALIGAO GOA. ....Respondent

Mr. M. S. Sonak for the petitioner.

Mr. M. Salkar, AGA for the respondent.

Coram:- V.C.DAGA, J.

Date:- 2nd August, 2006

P.C. :

Heard learned counsel for the rival parties.

Perused petition and the impugned order.

2. One of the contentions sought to be raised is that there exists no "Mini Stall" in Survey No.183/2 sought to be demolished under the impugned order. The petitioner has also made representation in that behalf to the Member Secretary, Goa Coastal Zone Management Authority, Saligao, Bardez, Goa to say Mini Stall in Survey No.183/2 does not exists. Relevant text of which is reproduced hereinabove:

> "Now I have been able to obtain the Panchanama and the sketch prepared by the Panchayat. After perusing the said Panchanama and the sketch prepared by the Panchayat, it is realized that the structure shown in the plan prepared by the Panchayat, does not exist on the site. In survey No.183/2, there is no mini shop existing. If I was given the copy of the plan and the Panchanama prepared by the Panchayat, I would have been in a better position to reply to your Show Cause Notice."

3. In view of the above, if the "Mini Stall" does not exist on the site in question i.e. Survey No.183/2; the petitioner can hardly have any cause of action either to challenge the impugned order or to proceed with the present petition.

3. In the above view of the matter, petition is liable to be dismissed for want of cause of action. However, it is made clear that respondent No.1 shall not demolish any other structure other than the structures forming part of the impugned order, if it exists; since other structures are not the subject matter of the impugned order.

4. In the result, petition stands disposed of in terms of this order with no order as to costs.

V.C.DAGA, J.

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